



1007 Rec'd PCT/PTO 13 MAR 2002

Atty. Dkt. No. 065691-0262

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bertrand DUBREUCQ et al.  
Title: Promoter Which Allows  
Transgene Expression in the  
Entire Plant Except the Seed  
Appl. No.: 10/009,340  
Filing Date: 12/10/2001  
Examiner: Unassigned  
Art Unit: Unassigned

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

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The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

**RELEVANCE OF EACH DOCUMENT**

Any document listed on the attached PTO-1449 was cited as being relevant during the prosecution of the corresponding International application. Copies of the documents are not being provided since copies should have been provided directly by WIPO under an exchange program between the PTO, the EPO and the JPO.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: March 13, 2002

FOLEY & LARDNER  
Customer Number: 22428



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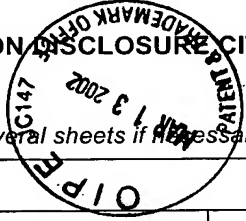
By

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|---|-----|--|------------|---------------------------------------|-------|------------------------------|----------------------------------|
| Form PTO-1449<br>(MODIFIED)   |     | U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE   |            | ATTY. DOCKET NO.<br>065691-0262       |       | SERIAL NO.<br>10/009,340     |                                  |
| <b>INFORMATION DISCLOSURE CITATION</b><br><br>(Use several sheets if necessary)  |     |  |            | APPLICANT<br>Bertrand DUBREUCQ et al. |       |                              |                                  |
|   |     |  |            | FILING DATE<br>12/10/2001             |       | GROUP ART UNIT<br>Unassigned |                                  |
| <b>U.S. PATENT DOCUMENTS</b>  |     |  |            |                                       |       |                              |                                  |
| EXAMINER<br>INITIAL   | REF | DOCUMENT<br>NUMBER   | DATE       | NAME                                  | CLASS | SUB-<br>CLASS                | FILING DATE<br>IF<br>APPROPRIATE |
|   |     |  |            |                                       |       |                              |                                  |
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| <b>FOREIGN PATENT DOCUMENTS</b>   |     |  |            |                                       |       |                              |                                  |
|   | REF | DOCUMENT<br>NUMBER   | DATE       | COUNTRY                               | CLASS | SUB-<br>CLASS                | TRANSLATION<br>YES   NO          |
|   | A1  | 98 44138A  | 10/08/1998 | WIPO                                  |       |                              |                                  |
|   | A2  | 97 30582A  | 08/28/1997 | WIPO                                  |       |                              |                                  |
|   |     |  |            |                                       |       |                              |                                  |
|   |     |  |            |                                       |       |                              |                                  |
| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>   |     |  |            |                                       |       |                              |                                  |
|   | A3  | GUIVARC'H ANNE MAURO CARNEIRO et al., "Tissue-specific expression of the rolA gene mediates morphological changes in transgenic tobacco," <i>Plant Molecular Biology</i> 39(1):125-134 (1996) (XP002132241).   |            |                                       |       |                              |                                  |
|   | A4  | LIN X. et al., "AC 003096," EMBL Database (1997), (XP002148976), Heidelberg.   |            |                                       |       |                              |                                  |
|   | A5  | MITCHELL A. G. et al., "Fahp, a <i>Saccharomyces cerevisiae</i> cytochrome b5 fusion protein, and its <i>Arabidopsis thaliana</i> homolog that lacks the cytochrome b5 domain both function in the alpha-hydroxylation of sphingolipid-associated very long chain fatty acids," <i>Journal of Biological Chemistry</i> (1997) 272(45):28281-8 (XP002132243). |            |                                       |       |                              |                                  |
|   |     |  |            |                                       |       |                              |                                  |
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| EXAMINER  |     |  |            | DATE CONSIDERED                       |       |                              |                                  |
| * EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant. |     |  |            |                                       |       |                              |                                  |